

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

RICHARD DALE TURNER,

Plaintiff,

v.

Civil Action No. 2:16-cv-04346

C.O. PERRY, C.O. ALLEN,
C.O. HOLIDAY, and MEDICAL
STAFF,

Defendants.

MEMORANDUM OPINION AND ORDER

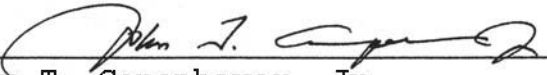
This matter having been referred to United States Magistrate Judge Dwane L. Tinsley pursuant to 28 U.S.C. § 636(b)(1)(B), he filed his Proposed Findings and Recommendations on April 4, 2019 and October 30, 2019. Magistrate Judge Tinsley recommends that the court (1) dismiss the claims against defendants C.O. Allen and C.O. Perry without prejudice for failure to effect service of process, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure; and (2) grant defendant C.O. Holiday's motion to dismiss for failure to prosecute, filed June 5, 2019, and dismiss this matter pursuant to Rule 41(b). No objections having been filed to either of these Proposed Findings and Recommendations, it is ORDERED that the findings made in both Proposed Findings and Recommendations

of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that defendant Holiday's motion to dismiss for failure to prosecute be, and it hereby is, granted. It is further ORDERED that this case be, and it hereby is, dismissed without prejudice.

The Clerk is directed to transmit copies of this memorandum opinion and order to plaintiff, all counsel of record, and the United States Magistrate Judge.

ENTER: December 24, 2019



John T. Copenhaver, Jr.
Senior United States District Judge